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ORDINANCES & RESOLUTIONS

PASSED BY THE

STATE CONVENTION

OF THE

PEOPLE OF FLORIDA,

BEGUN AND HELD IN THE

CITY OF TALLAHASSEE JANUARY 3, 1861.

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ORDINANCES.

[No. 1.]

Ordinance of Secession.

We, the People of the State of Florida, in Convention assembled, do solemnly ordain, publish and declare,

That the State of Florida hereby withdraws herself from the Confederacy of States existing under the name of the United States of America, and from the existing government of said States; and that all political connection between her and the government of said States ought to be and the same is hereby totally annulled and said Union of States dissolved, and the State of Florida is hereby declared a sovereign and independent Nation; and that all ordinances heretofore adopted, in so far as they create or recognize said Union, are rescinded, and all laws or parts of laws in force in this State, in so far as they recognize or assent to said Union, be and they are hereby repealed.

Done in open Convention, January 10th, 1861.

[No. 2.]

Be it Ordained by the People of the State of Florida, in Convention Assembled, That until otherwise provided by the General Assembly of the State of Florida, no duties shall be collected upon imports from the States forming the late Federal Union, nor upon the tonnage of vessels, owned in whole or in part by the citizens of said States, nor shall any act of Congress regulating foreign commerce, or prescribing forms to be observed by foreign vessels, be held or deemed applicable to said State.

~~✱~~ That all the official acts of officers in which it is usual and proper to set forth the authority under which they act, the style of the documents hereafter issued by them, or any of them, shall be in the name of the State of Florida: *Provided*, That these Ordinances shall not go into effect, so far as they may be applicable to any Collector of Customs in this State, until such time as the Governor of said State shall, by public proclamation, have given ten days notice

thereof, designating therein the several Collection Districts to which the same apply and also the date at which said Ordinances are to take effect in said District.

That all moneys hereafter collected by any of the officers aforesaid, shall, after deducting the sums necessary for the compensation of officers and other expenses, be paid into the Treasury of the State of Florida, subject to the order of the General Assembly, and the officers aforesaid shall retain in their hands all property, moneys, bonds, and other securities of the United States in their possession, custody, or control, subject to the disposal of this State, which will account for the same upon a final settlement with the Government of the late United States, and that all officers of the late Federal Government within the limits of this State, who, by any ordinance of this Convention, are required to retain in their hands any property, moneys, bonds, and other securities, which they may have in their possession at the time of the passage of this ordinance, shall be, and they are hereby required to enter into bond to the State of Florida, of the same tenor and similarly conditioned as were their respective bonds to the United States, with good and sufficient security, to be approved by the Judge of Probate of their respective counties; and for the discharge of this, or any other duty imposed by any ordinance of this Convention, the State of Florida will fully indemnify said officers against any and all losses, which they or any of them may sustain by reason of their compliance with the ordinances of this Convention, or the laws made in pursuance thereof.

Done in open Convention, January 15th, A. D. 1861.

[No. 3.]

Be it ordained by the People of the State of Florida in Convention assembled, That all laws passed by the Congress of the United States, and approved by the President thereof, prior to the tenth day of January of the present year, and which were in force on that day, be and the same are hereby adopted and made laws of the State of Florida, and declared to be of force as such within this State: *Provided,* That all writs, actions, suits, and judgments, whether at law or in equity, now pending, or which may hereafter be commenced in said courts, shall be subject to the practice and proceedings which now or may hereafter regulate the Circuit Courts of the State, and all writs, actions, suits, judgments and proceedings which existed or are pending in the District Courts of the United States for the Districts of Florida, on the tenth day of January of the present year, shall remain unimpaired, and provision shall be made by law for the transfer thereof to the District Courts of Florida,

to be proceeded in by said courts and making the same records and proceedings of said District Courts of the State of Florida.

Done in open convention January 15, 1861.

[No. 4.]

An Ordinance to remove disabilities arising under the fifth section of the sixth article of the Constitution.

Be it Ordained by the People of the State of Florida in Convention assembled, That all persons laboring under any disability from holding office under the fifth section of the sixth article of the Constitution, are hereby reinstated and empowered to hold office, either civil or military, under this State, as fully as if such disability had not attached.

Done in open Convention, January 15, 1861.

[No. 5.]

Be it ordained by the People of the State of Florida in Convention assembled, That the third and eighth sections of the sixth article of the Constitution of this State be, and the same are hereby amended. *annulled.*

Done in open Convention, January 15, 1861.

[No. 6.]

WHEREAS, The General Assembly has construed the Constitution to mean, that the term of the Governor elect does not commence until October next, after said election :

Be it ordained by the people of the State of Florida in Convention assembled, That said construction be so altered and changed that the Governor elect of this State shall be inaugurated and take his seat on the second Monday of the first Session of the General Assembly after his election: *Provided,* That this amendment shall not go into effect until the Session of the General Assembly in 1865; and that the next election for Governor shall be held on the first Monday in October, 1865: *Provided further,* That the same officers now authorized to canvass the

votes for Representatives in Congress shall canvass the votes for Governor, and if the Legislature should not meet in the year of the election of Governor, he shall be qualified by any Judge of the Circuit or Supreme Court.

Done in open Convention, January 17th, 1861.

[No. 7.]

Be it ordained by the People of the State of Florida in Convention assembled, That, until otherwise provided by this Convention, all offices, not judicial, which existed in this State under the Constitution and laws of the United States on the 10th day of January of the present year, are hereby created offices by, in and under the authority of the State of Florida; and all persons who held such offices at the time aforesaid are hereby constituted and appointed officers of said State and continued in the offices by them respectively held as aforesaid until they resign to the Governor or be removed by him; and such persons shall receive the same pay and emoluments as such officers as they were entitled to receive under the laws of the United States: *Provided,* That all persons so authorized to hold offices under the State of Florida shall take an oath of allegiance to this State to be prescribed by law.

Done in open Convention, January 17th, 1861.

[No. 8.]

Be it Ordained by the People of the State of Florida, in Convention Assembled, That the Governor of the State of Florida be, and he is hereby authorized to accept the services of any citizens of the State of Florida, who are, at the date of this Ordinance, in either the military or naval service of the late Federal Union, (provided said services are tendered within sixty days after notice of the passage of said Ordinance,) and such persons shall be entitled to such rank as the Governor and Council of State may deem right to accede to them, the same pay and emoluments to which they would have been entitled, had they continued in the service of the late Federal Union; and said persons shall, until otherwise provided by the General As-

sembly, be employed by the Governor in the line of their professions at his discretion.

Done in open Convention, January 17th, 1861.

[No. 9.]

Be it Ordained by the People of the State of Florida in Convention Assembled, 13. That the General Assembly of Florida shall have power to abolish any office established by and under the authority of the late Federal Government; to dispense with any existing mail route, and authorize the letting of new contracts as may from time to time be required, and that the Constitution of the State of Florida be, and the same is hereby so amended, as to enable the Executive and Legislative Departments of Florida to discharge the several duties heretofore devolved upon the Executive and Legislative Departments of the late Federal Union.

Done in open Convention, January 17th, 1861.

[No. 10.]

Be it ordained by the People of the State of Florida in Convention assembled, That the jurisdiction of the State of Florida be, and the same is hereby extended over all forts, arsenals, docks, yards, and other places within the limits of the State, over which the United States of America have heretofore exercised jurisdiction, and that all ordinances, laws, and conveyances granted, made or executed by the State of Florida, conferring upon the United States aforesaid jurisdiction over the same and in conflict with this ordinance, be and the same are hereby annulled, repealed and made void.

Done in open Convention, January 17th, 1861.

[No. 11.]

Be it ordained by the People of the State of Florida in Convention assembled, 8th. That the General Assembly of this State shall have power to declare who are citizens of this State, and as such entitled to the right of suffrage herein, and to prescribe the terms upon which citizens of other States of the late American Union

may be admitted to the right of citizenship in this State, and shall provide for the punishment of such persons as shall hereafter pretend to hold office within the limits of this State, under the authority of the Government of the late United States.

Done in open Convention, January 17th, 1861.

[No. 12.]

Resolved, That the Delegates from this State to the Southern Convention be instructed to oppose any attempt on the part of said Convention to legislate or transact any business whatsoever other than the adoption of a Provisional Government to be substantially on the basis of the Constitution of the late United States, and a permanent Constitution for the Southern Confederacy upon the same basis, and that in the event of the said Convention undertaking on any pretext whatsoever to exercise any powers other than that above enumerated, that our Delegates are instructed to protest against the same, and to declare in behalf of the State of Florida, that such acts will not be deemed binding on this State.

Done in open Convention, January 17th, 1861.

[No. 13.]

An Ordinance providing for the organization of the Army of Florida.

Be it ordained by the People of the State of Florida in Convention assembled, That the General Assembly of this State be and they are hereby authorized to provide by law for the election or appointment of such general officers as the emergencies of the public service may require.

Done in open Convention, January 17th, A. D. 1861.

[No. 14.]

Be it Ordained by the People of the State of Florida in Convention Assembled, That the Governor of this State be, and he is here-

by authorized to appoint and commission William H. Chase, of Escambia county, a Major-General in the army of Florida, with such pay and emoluments as the General Assembly may by law provide.

Done in open Convention, January 17th, A. D. 1861.

[No. 15.]

Be it ordained by this Convention, That the eleventh section of the 6th article of the Constitution be amended by striking from the last line of said section, the words, "and of the United States," and adding the words, "and the ordinances adopted by this Convention."

Done in open Convention, January 17th, 1861.

[No. 16.]

An Ordinance Amending the Seventh Article of the Constitution of this State, entitled "Militia."

Be it ordained by the People of the State of Florida in Convention assembled, That the Seventh Article of the Constitution of this State be repealed, and in lieu thereof the following adopted:

1. All Militia Officers shall be elected or appointed under such rules and regulations as the General Assembly may from time to time direct and establish.

2. All offences against the Militia laws shall be tried by Court Martial or before a Court and Jury, as the General Assembly may direct.

3. No commission issued under the act approved December 22, 1859, entitled "An act to amend the Militia and Patrol Laws," or any military commission hereafter to be issued under that or any future act of the General Assembly, shall be vacated except by sentence of Court Martial.

Done in open convention January 18th, 1861.

[No. 17.]

Be it ordained by the People of the State of Florida in Convention assembled, That the second section of the third article of the Con-

stitution be so amended as to read: That the Governor shall be elected for two years instead of four: *Provided*, That this ordinance shall not take effect until the election for said officer in the year 1865.

Done in open Convention, January 18th, 1861.

[No. 18.]

Be it ordained by the People of the State of Florida in Convention assembled, That there shall be established a Court at Key West in this State, which Court shall have and exercise Admiralty jurisdiction only; that the laws of the late United States applicable to, and heretofore governing the District Court of the United States for the Southern District of Florida, be and the same are hereby adopted for the control and government of said Court; that said Court shall be known as the Court of Admiralty for the Southern District of Florida, and that the limits of its jurisdiction shall be the same as were prescribed by an Act of the late Federal Congress, Approved February 28th, 1847.

2. *Be it further Ordained*, That there shall be one Judge of said Court, with a salary of twenty-five hundred dollars per annum, who shall be appointed by the Governor of this State, by and with the advice and consent of the Senate thereof, who shall have power to appoint a Clerk of said Court, which said clerk, before entering upon the duties of his office, shall enter into a bond in the sum of two thousand dollars to be approved by the said Judge, conditioned for the faithful performance of his duties.

3. *Be it further ordained*, That a Marshal of said Court shall be appointed in like manner as the Judge thereof, who, with the Clerk of said Court, shall receive the same fees and emoluments as were prescribed by an act of the late Federal Congress, approved February 26th, 1853. The said Marshal shall enter into a bond in the sum of twenty thousand dollars, conditioned for the faithful performance of his duties, and the payment of all monies coming into his hands under the order of the Court, which bond shall be approved by the Judge thereof.

4. *Be it further ordained*, That the said Judge shall reside at Key West, that the Court shall be always open for the transaction of admiralty business, and that appeals may be taken from the decrees thereof to the Supreme Court of this State, in like manner as appeals from the Circuit Courts of this State are now prosecuted.

5. *Be it further ordained*, That whenever the Provisional or permanent Government of a Southern Confederacy shall establish a Court of Admiralty and foreign jurisdiction for the Southern Dis-

trict of Florida, this ordinance shall cease to be of any force and effect.

Done in open Convention, January 19th, 1861.

[No. 19.]

Be it ordained by the People of the State of Florida in Convention assembled, That the laws of the United States in relation to Post offices, mail routes, contracts, and all other postal matters, heretofore made and in force in the State of Florida on the 10th day of January of the present year, so far as the same may be applicable to a single State, shall remain and continue in full force in this State, until the same shall be altered or repealed under the authority of this Convention.

2d. That the several mail routes which lie in whole or in part in the State of Florida, or in its adjacent waters, and the contracts now subsisting for carrying the mails thereon, be and they are hereby continued until otherwise provided under the authority of this Convention, or until, by proclamation by the Chief Magistrate of the State of Florida, they shall be suspended or discontinued; and that all amounts falling due under said contracts be paid out of any moneys in the Treasury of the State of Florida not otherwise appropriated: *Provided,* Payment shall not be received by the contractors under existing contracts made by them with the government of the United States.

3d. That the General Assembly of the State of Florida do provide for the appointment or election of a competent person who shall, for the State of Florida, discharge all the duties heretofore performed by the Post Master General of the United States, so far as the same may be applicable to a sovereign State, subject however to such modifications as the said General Assembly may prescribe, and whose duty especially it shall be to negotiate with the proper authorities of the States of South Carolina, Georgia, Alabama and Louisiana, for the joint payment of the expense of transporting the mails over such routes as may have one of their termini in either of said States and the other in Florida.

Done in open Convention January 19th, 1861.

[No. 20.]

Be it Ordained by the People of the State of Florida in Convention Assembled, That the Circuit Courts of this State, until otherwise provided for by the permanent government of a Southern Confederacy, shall, in their respective circuits, possess and exercise all the powers and jurisdiction which were possessed and exercised by the courts heretofore known and designated as the Northern District courts of the United States, and heretofore existing in this State under the Constitution and laws of the United States.

Be it further Ordained That all unfinished business remaining in said Northern District courts, shall be transferred to the appropriate Circuit, under such rules and regulations as may be prescribed by the General Assembly of this State.

Done in open Convention January 19th, 1861.

[No. 21.]

Be it ordained by the people of the State of Florida, That the Surveyor-General's, the several Inspectors' offices, the Boats and hands at the several Custom Houses, the Navy Agent's office at Pensacola, and the office of four Timber Agents, and the office of Inspector or Surveyor of the port of Palatka, be abolished.

Be it further ordained, That the Surveyor-General of the late Federal Government be instructed to deliver over to the Register of Public Lands at St Augustine all the papers and property appertaining to said office, who shall be authorized to carry on to completion all contracts for surveys heretofore made.

Done in open Convention January 21st, 1861.

[No. 22.]

WHEREAS, Divers disturbances and breaches of the peace have, within the last twelve months, occurred in the counties of Calhoun and Franklin, accompanied with numerous violations of the criminal laws of the State, which it is not to the interest of the State at this time to prosecute—Therefore,

Be it ordained by the People of the State of Florida in Con-

vention assembled, That the Governor of this State be and he is hereby authorized and required to proclaim a general amnesty and pardon for all offences committed in said counties of Calhoun and Franklin during the year 1860.

Done in open Convention January 21st, 1861.

RESOLUTIONS.

[No. 1.]

Resolution for the relief of R. D. Jordon of Holmes county.

Resolved, That the Treasurer be authorized to pay R. D. Jordon, mileage and per diem, for six days in the Convention as the member from Holmes county.

Done in open Convention, January 16th, 1861.

[No. 2.]

Resolved, That A. J. T. Wright be entitled to the same pay and emoluments as are allowed to other members of this Convention for the period he has served as a member thereof.

Done in open Convention, January 16th, 1861.

[No. 3.]

Resolved, That the Hon. S. R. Mallory, Hon. D. L. Yulee and Hon. George S. Hawkins be and they are hereby appointed Commissioners for the State of Florida, whose duty it shall be to negotiate with the authorities at Washington for the surrender to this State of all Navy Yards, Forts, Magazines, Arsenals, and all other public property within its limits.

Be it further resolved, That the President of this Convention transmit to the said commissioners a certified copy of this resolution.

Done in open Convention January 18th, 1861.

[No. 4.]

Resolved, That the Convention doth hereby signify their approval and high appreciation of the acts of Major General Chase in the conduct of the late military operations, at and near Pensacola, as the same have been communicated to this body by Cols. Holland and Gee, Aids to his Excellency the Governor; and that the thanks of this Convention be also given to Cols. Holland and Gee for the services by them rendered to the State.

Done in open Convention January 18th, 1861

[No. 5.]

Resolved, That this Convention, through their President, communicate to the Governor of Alabama their high appreciation of the conduct of the Alabama troops in the late operations at Pensacola, and that the thanks of this Convention, representing the State of Florida, are hereby tendered to Governor Moore for his promptness and patriotism.

Done in open Convention, January 18th, 1861.

[No. 6.]

Resolved, That it shall be the duty of the Legislature of the State of Florida, at its present session, to provide by law for the maintenance of the Light-houses on the coast of this State, whenever the same shall cease to be maintained by the Federal Government at Washington City.

Done in open Convention, January 18, 1861.

[No. 7.]

Resolved, That the Secretary of this Convention be instructed and required, under the supervision of the Secretary of State, to prepare for publication all ordinances passed or that hereafter may be passed by this Convention.

Done in open Convention, January 18, 1861.

[No. 8.]

Resolved, That the enacting clause of all ordinances adopted or to be adopted by this Convention be in the following terms :
 "Be it ordained by the People of the State of Florida in Convention assembled."

Done in open Convention, January 18, 1861.

[No. 9.]

Resolved, That should any vacancy occur in the delegation to the Convention of Slaveholding States while this Convention is not in session, it shall be the duty of the President of this Convention to fill said vacancy or vacancies.

Done in open Convention January 18th, 1861.

[No. 10.]

Resolved, That the Journal of the proceedings of this Convention, when printed, shall be deposited with the Secretary of State, and that officer be instructed to send by mail five copies to each of the members of this Convention, five to each member of the Legislature and five to each Judge of Probate.

Done in open Convention January 21st, 1861.

I, William S. Harris, Secretary of the Convention, do hereby certify that the foregoing ordinances and resolutions, are copies of ordinances and a resolution passed at the late session of the Convention of the people of Florida, and have received the assent of the President.

In witness whereof, I hereunto set my hand this the 22nd day of January, A. D., 1861.

WILLIAM S. HARRIS,
 Secretary of the Convention.

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